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James Karanassos

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EXAMINER

O CONNOR, BRIAN T

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/785,216	Applicant(s) KARANASSOS, JAMES	
	Examiner Brian O'Connor	Art Unit 2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to applicant's amendment filed on 3/24/2009.
2. Claims 1-44 are currently pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 11-17, 19-25, 31-37, and 39-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Saha (US Publication No.: 2005/0105508).

With respect to claim 1, Saha teaches a communication network supporting VoIP (Voice over IP) technology that mainly consists a sub-manager and multiple management clients (Figure 1). Figure 2 discloses an exemplary embodiment of a client management device 36, or a CPE, for Internet telephony system operated by an Internet telephony service provider (paragraph **0048**). Among other components, the CPE consists of an Internet telephony object 56 that operates as a public switched telephone network (PSTN) gateway for the plurality of PSTN devices 70 (paragraph **0056**). Thus a CPE client management device 36 can act as an administrative entity for

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a particular Internet telephony device from the client side. From Figure 1, to obtain management information base 34 values from each of the clients 18a-18c, the sub-manager 20 maintains a TCP/IP connection 45 with each client 18a-18c through the firewall 16a, 16b serving the client. SNMP formatted messages are exchanged with each client 18a-18c over the TCP/IP connection 45. When variable values 44 identified by a client object identifier 188 from the management information base 34 are received from a client 18a-18c, the sub-manager 20 redefines each variable value 44 with a master object identifier 182 from the master management information base 32 and provides such master management information base 32 values to the NMS 22 using SNMP messages over traditional UDP/IP channels (paragraph **0046**).

Furthermore, Saha illustrates an exemplary operation of a connection module in accordance with an embodiment in a flow chart of **Figure 4a**. Step 120 represents associating with the client identifier **46**, in the active connections table **28**, each of: i) a device state machine identifier 49 such as the memory address of the state machine 47; ii) a client connection identifier 48; and iii) an identifier 51 indicating whether the TCP/IP connection 45 with the device is active or inactive. Hence the active connection table 28 of sub-manager 20 keeps a record and analyzes the information obtained from clients to determine if they are inactive.

To verify that the TCP/IP connection is open through the firewall, the sub-manager may periodically exchange a TCP/IP frame with the client over the connection. The sub-manager may determine that an open connection does not exist with the client if either: i) the periodic TCP/IP frame has not been received from the client for a

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predetermined time out period; or ii) the TCP/IP connection has been terminated (paragraph **0020**, lines 1-8).

With respect to claim 2, Saha discloses in the teaching that the sub-manager 20 operates as a SNMP agent to the network management system (NMS) 22. The sub-manager connects to the clients to obtain information such as client object identifier (COLD) 188 and variable value 44 (paragraphs **0045-0046**). It also disclosed that each SNMP compliant agent implements relevant sections of a management information base (MIB) that includes variables required for monitoring, configuring, and controlling the client device (paragraph **0006**, lines 1-4). The teaching does not specifically define the variable values 44 as uptime values but since the sub-manager needs a mean to define the duration of the connections to be recorded in the active connection table 29, it is inherent that any arbitrary value such as an uptime value can be set for the variable value 44.

With respect to claims 3 and 4, Saha discloses that after the TCP/IP connection is made between the sub-manager and a client, a heart beat message with a unique identifier such as a number derived from the MAC address of the client 18 (paragraph **0062**, lines 1-7). In the event that the heart beat timer exceeds the duration of time specified in the previous heart beat message 113 (or a multiple of the duration of time specified in the previous heart beat message 113) during which a subsequent heart beat message 113 was not received as determined at step 123, it can be assumed that the TCP/IP connection 45 no longer exists (paragraph **0090**). Therefore based from the uptime value from claim 2, it is concluded that a determination for a

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particular connection from the active connection table 29 is inactive when the uptime value exceeds the threshold level.

With respect to claim 5, Saha teaches the threshold level of the heart beat message to determine inactivity comes from the previous heart beat message. Therefore the threshold level is variable since heart beat messages have different lengths. Thus it is concluded that a threshold value can be dependent on the previous heart beat message value (paragraph **0090**, lines 1-3).

With respect to claim 11, Saha discloses in Figure 3 a flow chart outlining the exemplary operation of the connection manager 78. Referring to the chart, in conjunction with Figure 1, step 94 represents sending a request or a command from the sub-manager to the SNMP agent module. The SNMP agent module works in conjunction with the sub-manager 20. Therefore the sub-manager includes an active connection table 28 that keeps track of all the TCP/IP call sessions within the communication network.

With respect to claim 12, Saha teaches in Figure 1, the sub-manager 20 actively connects to each CPE client management device 36, or an administrative entity for a particular client, to exchange information from its master information base MIB 34. Information can be client object identifier (COLD) 188 and variable value 44, which can be set as uptime value (from claim 2). Once an IP connection is establish between the sub-manager and the client, the client network management request messages are sent to identify clients using variables within the MIB (paragraph **0018**, lines 1-3).

Referring to the chart in Figure 3, in conjunction with Figure 1, step 94 represents sending a request or a command from the sub-manager to the SNMP agent module. The SNMP agent module works in conjunction with the sub-manager 20. Therefore the sub-manager includes an active connection table 28 that keeps track of all the TCP/IP call sessions within the communication network.

With respect to claim 13, Saha teaches in order to verify that the TCP/IP connection is open through the firewall, the sub-manager may periodically exchange a TCP/IP frame with the client over the connection. The sub-manager may determine that an open connection does not exist with the client if either: i) the periodic TCP/IP frame has not been received from the client for a predetermined time out period; or ii) the TCP/IP connection has been terminated (paragraph **0020**).

With respect to claim 14, Saha teaches the threshold level of the heart beat message to determine inactivity comes from the previous heart beat message. Therefore the threshold level is variable since heart beat messages have different lengths. Thus it is concluded that a threshold value can be dependent on the previous heart beat message value (paragraph **0090**, lines 1-3).

With respect to claim 15, Saha teaches that the threshold level is defined by the duration of the heart beat message sent from the sub-manager to the client. It is further noted that the sub-manager frequently sends a data frame through the TCP/IP connection to verify if the connection with the client is still active (paragraph **0020**, lines 1-8). Since the sub-manager is capable of sending such data frame on a regular basis in addition to the heart beat message to the client, it is inherent that the threshold level

of a heart beat message is affected by the processing load carried out by the sub-manager when a data frame is transmitted in conjunction with heart beat messages.

With respect to claim 16, Saha discloses in Figure 3 a flow chart outlining the exemplary operation of the connection manager 78. Referring to the chart, in conjunction with Figure 1, step 94 represents sending a request or a command from the sub-manager to the SNMP agent module, or the receiver. The SNMP agent module works in conjunction with the sub-manager 20. Therefore the sub-manager includes an active connection table 28 that keeps track of all the TCP/IP call sessions within the communication network.

Furthermore, Saha illustrates an exemplary operation of a connection module in accordance with an embodiment in a flow chart of Figure 4a. Step 120 represents associating with the client identifier 46, in the active connections table 28, each of: i) a device state machine identifier 49 such as the memory address of the state machine 47; ii) a client connection identifier 48; and iii) an identifier 51 indicating whether the TCP/IP connection 45 with the device is active or inactive. Hence the active connection table 28 of sub-manager 20 keeps a record and analyzes the information obtained from clients to determine if they are inactive.

With respect to claim 17, Saha discloses in the teaching that the sub-manager 20 operates as a SNMP agent to the network management system (NMS) 22. The sub-manager connects to the clients to obtain information such as client object identifier (COLD) 188 and variable value 44 (paragraphs **0045-0046**). It also disclosed that each SNMP compliant agent implements relevant sections of a management information

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base (MIB) that includes variables required for monitoring, configuring, and controlling the client device (paragraph **0006**, lines 1-4}. The teaching does not specifically define the variable values 44 as uptime values but since the sub-manager needs a mean to define the duration of the connections to be recorded in the active connection table 29, it is inherent that any arbitrary value such as an uptime value can be set for the variable value 44.

Saha also discloses that after the TCP/IP connection is made between the sub-manager and a client, a heart beat message with a unique identifier such as a number derived from the MAC address of the client 18 (paragraph **0062**, lines 1-7}. In the event that the heart beat timer exceeds the duration of time specified in the previous heart beat message 113 (or a multiple of the duration of time specified in the previous heart beat message 113) during which a subsequent heart beat message 113 was not received as determined at step 123, it can be assumed that the TCP/IP connection 45 no longer exists (paragraph **0090**). Therefore based from the uptime value from claim 2, it is concluded that a determination for a particular connection from the active connection table 29 is inactive when the uptime value exceeds the threshold level.

With respect to claim 19, Saha discloses in Figure 3 a flow chart outlining the exemplary operation of the connection manager 78. Referring to the chart, in conjunction with Figure 1, step 94 represents sending a request or a command from the sub-manager to the SNMP agent module. The SNMP agent module works in conjunction with the sub-manager 20. Therefore the sub-manager includes an active

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connection table 28 that keeps track of all the TCP/IP call sessions within the communication network.

With respect to claim 20, Saha teaches that the administrative entity, such as the client management device 36 in Figure 1, connects to the sub-manager 20 to exchange information relating to VoIP calls. When a device (such as client 18a) on a private network (such as private network 14a) opens a TCP/IP connection with a globally addressable device coupled to the Internet 12 (such as the sub-manager 20), the client 18a sends a TCP/IP connection request on the private network 14a. The TCP/IP connection request is routed to the NAT firewall 16a where it undergoes both IP address and port translation before being routed to the sub-manager 20 on the Internet 12 (paragraph **0041**).

Additionally, Figure 3 states that after the TCP/IP connection 45 is established with the sub-manager 20, the connections module 78 identifies the CPE client 18 to the sub-manager 20 at step 92. Step 92 includes sending an SNMP Inform message (which also functions as the first heart beat message 113) with a unique identifier such as a number derived from the MAC address of the client 18. Following step 92, the connection manager 78 operates as an event driven state machine sustaining an event loop at box 93 with four exemplary events triggering the connections module 78 to perform corresponding actions (paragraph **0062**).

Furthermore, to verify that the TCP/IP connection is open through the firewall, the sub-manager may periodically exchange a TCP/IP frame with the client over the connection. The sub-manager may determine that an open connection does not exist

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with the client if either: i) the periodic TCP/IP frame has not been received from the client for a predetermined time out period; or ii) the TCP/IP connection has been terminated (paragraph **0020**, lines 1-8). Therefore it is inherent that the administrative entity in the client management device 36 is capable of terminating the IP connection with the sub-manager by sending a command to disconnect the CPE from the sub-manager.

With respect to claim 21, Saha teaches a communication network supporting VoIP (Voice over IP) technology that mainly consists of a sub-manager and multiple management clients (Figure 1). Figure 2 discloses an exemplary embodiment of a client management device 36, or a CPE, for Internet telephony system operated by an Internet telephony service provider (paragraph **0048**). Among other components, the CPE consists of an Internet telephony object 56 that operates as a public switched telephone network (PSTN) gateway for the plurality of PSTN devices 70 (paragraph **0056**). Thus a CPE client management device 36 can act as an administrative entity for a particular Internet telephony device from the client side. From Figure 1, to obtain management information base 34 values from each of the clients 18a-18c, the sub-manager 20, the receiver, maintains a TCP/IP connection 45 with each client 18a-18c through the firewall 16a, 16b serving the client. SNMP formatted messages are exchanged with each client 18a-18c over the TCP/IP connection 45. When variable values 44 identified by a client object identifier 188 from the management information base 34 are received from a client 18a-18c, the sub-manager 20 redefines each variable value 44 with a master object identifier 182 from the master management

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information base 32 and provides such master management information base 32 values to the NMS 22 using SNMP messages over traditional UDP/IP channels (paragraph **0046**).

Furthermore, Saha illustrates an exemplary operation of a connection module in accordance with an embodiment in a flow chart of Figure 4a. Step 120 represents associating with the client identifier 46, in the active connections table 28, each of: i) a device state machine identifier 49 such as the memory address of the state machine 47; ii) a client connection identifier 48; and iii) an identifier 51 indicating whether the TCP/IP connection 45 with the device is active or inactive. Hence the active connection table 28, or the analyzer, of sub-manager 20 keeps a record and analyzes the information obtained from clients to determine if they are inactive.

To verify that the TCP/IP connection is open through the firewall, the sub-manager may periodically exchange a TCP/IP frame with the client over the connection. The sub-manager may determine that an open connection does not exist with the client if either: i) the periodic TCP/IP frame has not been received from the client for a predetermined time out period; or ii) the TCP/IP connection has been terminated (paragraph **0020**, lines 1-8).

With respect to claim 22, Saha discloses in the teaching that the sub-manager 20 operates as a SNMP agent to the network management system (NMS) 22. The sub-manager connects to the clients to obtain information such as client object identifier (COLD) 188 and variable value 44 (paragraphs **0045-0046**). It also disclosed that each SNMP compliant agent implements relevant sections of a management information

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base (MIB) that includes variables required for monitoring, configuring, and controlling the client device (paragraph **0006**, lines 1-4). The teaching does not specifically define the variable values 44 as uptime values but since the sub-manager needs a mean to define the duration of the connections to be recorded in the active connection table 29, it is inherent that any arbitrary value such as an uptime value can be set for the variable value 44.

With respect to claims 23 and 24, Saha discloses that after the TCP/IP connection is made between the sub-manager and a client, a heart beat message with a unique identifier such as a number derived from the MAC address of the client 18 (paragraph 0062, lines 1-7}. In the event that the heart beat timer exceeds the duration of time specified in the previous heart beat message 113 (or a multiple of the duration of time specified in the previous heart beat message 113) during which a subsequent heart beat message 113 was not received as determined at step 123, it can be assumed that the TCP/IP connection 45 no longer exists (paragraph **0090**). Therefore based from the uptime value from claim 2, it is concluded that a determination for a particular connection from the active connection table 29 is inactive when the uptime value exceeds the threshold level.

With respect to claim 25, Saha teaches the threshold level of the heart beat message to determine inactivity comes from the previous heart beat message. Therefore the threshold level is variable since heart beat messages have different lengths. Thus it is concluded that a threshold value can be dependent on the previous heart beat message value (paragraph **0090**, lines 1-3).

With respect to claim 31, Saha discloses in Figure 3 a flow chart outlining the exemplary operation of the connection manager 78. Referring to the chart, in conjunction with Figure 1, step 94 represents sending a request or a command from the sub-manager to the SNMP agent module. The SNMP agent module works in conjunction with the sub-manager 20. Therefore the sub-manager includes an active connection table 28 that keeps track of all the TCP/IP call sessions within the communication network.

With respect to claim 32, Saha teaches in Figure 1, the sub-manager 20 actively connects to each CPE client management device 36, or an administrative entity for a particular client, to exchange information from its master information base MIB 34. Information can be client object identifier (COLD) 188 and variable value 44, which can be set as uptime value (from claim 2). Once an IP connection is establish between the sub-manager and the client, the client network management request messages are sent to identify clients using variables within the MIB (paragraph **0018**, lines 1-3).

Referring to the chart in Figure 3, in conjunction with Figure 1, step 94 represents sending a request or a command from the sub-manager to the SNMP agent module. The SNMP agent module works in conjunction with the sub- manager 20. Therefore the sub-manager includes an active connection table 28 that keeps track of all the TCP/IP call sessions within the communication network.

With respect to claim 33, Saha teaches in order to verify that the TCP/IP connection is open through the firewall, the sub-manager may periodically exchange a TCP/IP frame with the client over the connection. The sub-manager may determine that

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an open connection does not exist with the client if either: i) the periodic TCP/IP frame has not been received from the client for a predetermined time out period; or ii) the TCP/IP connection has been terminated (paragraph **0020**).

With respect to claim 34, Saha teaches the threshold level of the heart beat message to determine inactivity comes from the previous heart beat message.

Therefore the threshold level is variable since heart beat messages have different lengths. Thus it is concluded that a threshold value can be dependent on the previous heart beat message value (paragraph **0090**, lines 1-3).

With respect to claim 35, Saha teaches that the threshold level is defined by the duration of the heart beat message sent from the sub-manager to the client. It is further noted that the sub-manager frequently sends a data frame through the TCP/IP connection to verify if the connection with the client is still active (paragraph **0020**, lines 1-8). Since the sub-manager is capable of sending such data frame on a regular basis in addition to the heart beat message to the client, the threshold level of a heart beat message must be affected by the processing load carried out by the sub-manager when a data frame is transmitted in conjunction with heart beat messages.

With respect to claim 36, Saha discloses in Figure 3 a flow chart outlining the exemplary operation of the connection manager 78. Referring to the chart, in conjunction with Figure 1, step 94 represents sending a request or a command from the sub-manager to the SNMP agent module, or the receiver. The SNMP agent module works in conjunction with the sub-manager 20. Therefore the sub-manager includes an

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active connection table 28 that keeps track of all the TCP/IP call sessions within the communication network.

Furthermore, Saha illustrates an exemplary operation of a connection module in accordance with an embodiment in a flow chart of Figure 4a. Step 120 represents associating with the client identifier 46, in the active connections table 28, each of: i) a device state machine identifier 49 such as the memory address of the state machine 47; ii) a client connection identifier 48; and iii) an identifier 51 indicating whether the TCP/IP connection 45 with the device is active or inactive. Hence the active connection table 28 of sub-manager 20 keeps a record and analyzes the information obtained from clients to determine if they are inactive.

With respect to claim 37, Saha discloses in Figure 3 a flow chart outlining the exemplary operation of the connection manager 78. Referring to the chart, in conjunction with Figure 1, step 94 represents sending a request or a command from the sub-manager to the SNMP agent module, or the receiver. The SNMP agent module works in conjunction with the sub-manager 20. Therefore the sub-manager includes an active connection table 28 that keeps track of all the TCP/IP call sessions within the communication network.

Furthermore, Saha illustrates an exemplary operation of a connection module in accordance with an embodiment in a flow chart of Figure 4a. Step 120 represents associating with the client identifier 46, in the active connections table 28, each of: i) a device state machine identifier 49 such as the memory address of the state machine 47; ii) a client connection identifier 48; and iii) an identifier 51 indicating whether the TCP/IP

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connection 45 with the device is active or inactive. Hence the active connection table 28 of sub-manager 20 keeps a record and analyzes the information obtained from clients to determine if they are inactive.

With respect to claim 39, Saha discloses in Figure 3 a flow chart outlining the exemplary operation of the connection manager 78. Referring to the chart, in conjunction with Figure 1, step 94 represents sending a request or a command from the sub-manager to the SNMP agent module. The SNMP agent module works in conjunction with the sub-manager 20. Therefore the sub-manager includes an active connection table 28 that keeps track of all the TCP/IP call sessions within the communication network.

With respect to claims 40 and 41, Saha teaches that the administrative entity, such as the client management device 36 in Figure 1, connects to the sub-manager 20 to exchange information relating to VoIP calls. When a device (such as client 18a) on a private network (such as private network 14a) opens a TCP/IP connection with a globally addressable device coupled to the Internet 12 (such as the sub-manager 20), the client 18a sends a TCP/IP connection request on the private network 14a. The TCP/IP connection request is routed to the NAT firewall 16a where it undergoes both IP address and port translation before being routed to the sub-manager 20 on the Internet 12 (paragraph **0041**).

Additionally, Figure 3 states that after the TCP/IP connection 45 is established with the sub-manager 20, the connections module 78 identifies the CPE client 18 to the sub-manager 20 at step 92. Step 92 includes sending an SNMP Inform message (which

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also functions as the first heart beat message 113) with a unique identifier such as a number derived from the MAC address of the client 18. Following step 92, the connection manager 78 operates as an event driven state machine sustaining an event loop at box 93 with four exemplary events triggering the connections module 78 to perform corresponding actions (paragraph **0062**).

Saha also illustrates an exemplary operation of a connection module in accordance with an embodiment in a flow chart of Figure 4a. Step 120 represents associating with the client identifier 46, in the active connections table 28, each of: i) a device state machine identifier 49 such as the memory address of the state machine 47; ii) a client connection identifier 48; and iii) an identifier 51 indicating whether the TCP/IP connection 45 with the device is active or inactive. Hence the active connection table 28 of sub-manager 20 keeps a record and analyzes the information obtained from clients to determine if they are inactive.

Furthermore, to verify that the TCP/IP connection is open through the firewall, the sub-manager may periodically exchange a TCP/IP frame with the client over the connection. The sub-manager may determine that an open connection does not exist with the client if either: i) the periodic TCP/IP frame has not been received from the client for a predetermined time out period; or ii) the TCP/IP connection has been terminated (paragraph **0020**, lines 1-8). Therefore it is inherent that the administrative entity in the client management device 36 is capable of terminating the IP connection with the sub-manager by sending a command to disconnect the CPE from the sub-manager.

With respect to claims 42, 43 and 44, Saha teaches of a session controller 28 of the sub-manager 20 in Figure 1 that is operatively coupled between one or more packet switched networks 12 and one or more public switched telephone network 70 (Figure 2). From Figure 1, it is inherent that the session controller 28 has the capability of a receiver since information such as the COID 188 and the variable values 44 from the administrative entity 36 is being sent for storing to the table. Therefore, the session controller 28, as a receiver, can receive information sent from the administrative entity with regards to information and command or request to terminate call sessions recorded in the table.

Since the session controller 28 is coupled to the client management devices through a TCP/IP connection for exchanging information, it is disclosed that the information such as a client request message is being sent to the administrative entity via the request state machine 39. Hence the request state machine 29 is capable of transmitting information to the administrative entity as taught by Saha (paragraph **0015**).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saha (US Publication No. 2005/0105508).

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With respect to claim 6, Saha teaches a predetermined time out period can be set as a threshold level in case the connection goes inactive (paragraph **0020**, lines 1-7). Additionally, from claims 4 and 5 the threshold level is dependent on the previous heart beat message.

Sara does not disclose the predetermined time for the threshold set to 180 minutes.

Office Notice is taken that both the practice of using a specific time for a threshold is well known and expected in the art. It would have been obvious to use a specific time of 180 minutes to configure the threshold of Saha.

With respect to claim 26, Saha teaches a predetermined time out period can be set as a threshold level in case the connection goes inactive (paragraph **0020**, lines 1-7). Additionally, from claims 4 and 5 the threshold level is dependent on the previous heart beat message.

Sara does not disclose the predetermined time for the threshold set to 180 minutes.

Office Notice is taken that both the practice of using a specific time for a threshold is well known and expected in the art. It would have been obvious to use a specific time of 180 minutes to configure the threshold of Saha.

7. Claims 7-10, 18, 27-30, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saha (US Publication No. 2005/0105508) in view of Tezuka et al (US Publication No. 2003/0107991).

With respect to claim 7, Saha discloses in the teaching that the sub-manager 20 operates as a SNMP agent to the network management system (NMS) 22. The sub-manager connects to the clients to obtain information such as client object identifier (COLD) 188 and variable value 44 (paragraphs **0045-0046**).

Saha fails to teach the information obtained from the administrative entity includes at least one of numbers of data packets transmitted and received during VoIP calls.

Tezuka et al disclose in the teaching a technique for transferring audio (sound or voice) data by using VoIP network. The system has a call agent (CA) to execute call control outgoing and incoming calls with the PSTN. For an IP telephone call based on H.323, the CA designates the IP address of the VoIP-GW of a destination, UDP-Port, codec format (e.g., G. 711, G. 723, G729), and the like. On the other hand, the CA controls the VoIP-GW by using, e.g., Megaco (Media Gateway Control). The relay router executes a relaying (forwarding) operation of an audio packet transmitted and received by the VoIP-GW and an edge router and an IP packet of other data (paragraph **0004**, lines 16-30). As a result, the relay obtains information regarding to the number of packets transmitted and received during VoIP calls from the call agent based on the packet flow.

Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to modify the teaching of Saha to include such information concerning packet flows as taught by Tezuka et al. One is motivated as such to monitor the packet flow which passes through a relay router in a VoIP network and in which a

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packet is transferred with a predetermined priority, and for, when congestion is generated by generation of a new packet flow, maintaining a transfer state of a packet of a packet flow established before the new packet flow is generated and transferred with the predetermined priority (paragraph **0012**).

With respect to claims 8, 9 and 18, Saha teaches the determination for inactivity regarding VoIP calls using the threshold level of the heart beat message time.

Saha, fails to teach such determination can be made based on the number of data packets received and transmitted are unchanging over time and that a threshold level to conclude inactivity can be utilized based on packet flow.

Tezuka et al disclose a technique to monitor audio data flow in a VoIP communication system to prevent data congestion based on a threshold level. According to the teaching, each relay router detects an audio packet transferred on each of the new audio packet flows and executes congestion determination per audio packet. The congestion determination is executed by checking whether a sum total of bands used by "high-priority (H)" packet flows exceeds a value (threshold value of the congestion determination) set in advance by each relay router (paragraph **0063**). As a result, when the call agent receives the congestion notice, a priority change sequence or a disconnection sequence is executed (paragraph **0066**, lines 1-3).

Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to modify the teaching of Saha to include the packet flow as a threshold level in the determination for inactivity of VoIP calls as taught by Tezuka et al. One is motivated as such to avoid the extent of network congestion from affecting high-

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priority data packet flow relating to telephonic communications (paragraph **0069**, lines 7-11).

Regarding claim 10, Saha teaches the threshold level of the heart beat message to determine inactivity comes from the previous heart beat message. Therefore the threshold level is variable since heart beat messages have different lengths. Thus it is concluded that a threshold value can be dependent on the previous heart beat message value (paragraph **0090**, lines 1-3).

With respect to claim 27, Saha discloses in the teaching that the sub-manager 20 operates as a SNMP agent to the network management system (NMS) 22. The sub-manager connects to the clients to obtain information such as client object identifier (COLD) 188 and variable value 44 (paragraphs **0045-0046**).

Saha fails to teach the information obtained from the administrative entity includes at least one of numbers of data packets transmitted and received during VoIP calls.

Tezuka et al disclose in the teaching a technique for transferring audio (sound or voice) data by using VoIP network. The system has a call agent (CA) to execute call control outgoing and incoming calls with the PSTN. For an IP telephone call based on H.323, the CA designates the IP address of the VoIP-GW of a destination, UDP-Port, codec format (e.g., G. 711, G. 723, G729), and the like. On the other hand, the CA controls the VoIP-GW by using, e.g., Megaco (Media Gateway Control). The relay router executes a relaying (forwarding) operation of an audio packet transmitted and received by the VoIP-GW and an edge router and an IP packet of other data (paragraph **0004**,

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lines 16-30). As a result, the relay obtains information regarding to the number of packets transmitted and received during VoIP calls from the call agent based on the packet flow.

Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to modify the teaching of Saha to include such information concerning packet flows as taught by Tezuka et al. One is motivated as such to monitor the packet flow which passes through a relay router in a VoIP network and in which a packet is transferred with a predetermined priority, and for, when congestion is generated by generation of a new packet flow, maintaining a transfer state of a packet of a packet flow established before the new packet flow is generated and transferred with the predetermined priority (paragraph **0012**).

With respect to claims 28, 29 and 38, Saha teaches the determination for inactivity regarding VoIP calls using the threshold level of the heart beat message time.

Saha fails to teach such determination can be made based on the number of data packets received and transmitted are unchanging over time and that a threshold level to conclude inactivity can be utilized based on packet flow.

Tezuka et al disclose a technique to monitor audio data flow in a VoIP communication system to prevent data congestion based on a threshold level. According to the teaching, each relay router detects an audio packet transferred on each of the new audio packet flows and executes congestion determination per audio packet. The congestion determination is executed by checking whether a sum total of bands used by "high-priority (14)" packet flows exceeds a value (threshold value of the

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congestion determination) set in advance by each relay router (paragraph **0063**). As a result, when the call agent receives the congestion notice, a priority change sequence or a disconnection sequence is executed (paragraph **0066**, lines 1-3).

Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to modify the teaching of Saha to include the packet flow as a threshold level in the determination for inactivity of VoIP calls as taught by Tezuka et al. One is motivated as such to avoid the extent of network congestion from affecting high-priority data packet flow relating to telephonic communications (paragraph **0069**, lines 7-11).

With respect to claim 30, Saha further teaches the threshold level of the heart beat message to determine inactivity comes from the previous heart beat message. Therefore the threshold level is variable since heart beat messages have different lengths. Thus it is concluded that a threshold value can be dependent on the previous heart beat message value (paragraph **0090**, lines 1-3).

Response to Arguments

8. Applicant's arguments filed on 32/24/2009 have been fully considered but they are not persuasive.

A) Applicant argues, with respect to claim 1 (see page 4, second full paragraph), that "disclose information in paragraph 5 of page 5 on the affidavit recites that 'ITXC constructs an applications that runs the specific ... every 5 minutes'".

The Examiner maintains that the submitted affidavit is ineffective because it does not provide enough details to demonstrate the inventor's specific creative steps and notes for the invention in claim 1. Furthermore, the affidavit pages 5-7 only describes a summary of the invention and its goals, which is similar to the Applicant's Admitted Prior Art (AAPA) in paragraphs [0011] and [0012] of the applicant's specification.

B) Applicant argues, with respect to claim 6 (see page 4, fourth full paragraph), that "the disclosure information in the affidavit disclosure document would readily enable a person of skill in the art to practice the invention recited in claim 6".

The Examiner maintains that the submitted affidavit is ineffective because it does not provide enough details to demonstrate the inventor's specific creative steps and notes for the invention in claim 6. Furthermore, the affidavit (see pages 5-7) only describes a summary of the invention and its goals, which are similar to AAPA in paragraph [0012] of the applicant's specification. (see "once the script is loaded into a given gateway, the predetermined threshold (e.g, 180 minutes) is fixed").

Response to Affidavit

9. The declaration filed on 06/30/2008 under 37 CFR 1.131 has been considered but is ineffective to overcome the Saha reference.

10. The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Saha reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to

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solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897). The declaration does not contain sufficient evidence to support the concept of the invention.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian O'Connor whose telephone number is (571)270-1081. The examiner can normally be reached on M-F, 9AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dang Ton can be reached on 571-272-3171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian T. O'Connor
June 2, 2009
Patent Examiner

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